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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,238	07/17/2003	Edward Lynch	3068	2886
26822	7590 08/10/2006		EXAMINER	
WALTER A. HACKLER			KRASS, FREDERICK F	
	NSTOL, SUITE B BEACH, CA 92660-0755		ART UNIT	PAPER NUMBER
·			1614	
			DATE MAILED: 08/10/2006	DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Applicati n N .	Applicant(s)			
	10/623,238	LYNCH ET AL.			
Office Action Summary	Examiner	Art Unit			
	Frederick Krass	1614			
The MAILING DATE of this c mmunication appears on th c ver sheet with the corresp ndence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	I. lety filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1)⊠ Responsive to communication(s) filed on <u>30 M.</u> 2a)□ This action is FINAL . 2b)□ This 3)⊠ Since this application is in condition for allowar closed in accordance with the practice under E.	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) ⊠ Claim(s) 1 and 5 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) ⊠ Claim(s) 1 and 5 is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers					
9) ☐ The specification is objected to by the Examiner 10) ☐ The drawing(s) filed on is/are: a) ☐ acce Applicant may not request that any objection to the or Replacement drawing sheet(s) including the correction 11) ☑ The oath or declaration is objected to by the Examiner	epted or b) objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No d in this National Stage			
Attachment(s)	□ · · · · -	(DTO 140)			
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da				
Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal Pa	atent Application (PTO-152)			

Application/Control Number: 10/623,238

Art Unit: 1614

Prosecution is Closed per Ex Parte Quayle

This application is in condition for allowance except for the following formal matters:

1) The oath or declaration is defective.

The originally filed oath in this case relies on USSN 10/096,050 (now USP 6,649,148) and Provisional Application 60/279,795, respectively, for priority. A careful review of the facts and circumstances of this case readily reveals, however, that those application numbers are in error; this case should in fact rely for priority on USSN 10/097,679 (now USP 6,669,931) and Provisional Application 60/279,969, respectively.

A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

2) The examiner additionally notes the following informality, which should be corrected in responding to this Office action: claim 5, third line, "lesions" should be singularized.

Prosecution on the merits is closed in accordance with the practice under *Ex parte*Quayle, 1935 C.D. 11, 453 O.G. 213.

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A shortened statutory period for reply to this action is set to expire TWO

MONTHS from the mailing date of this letter.

Correspondence

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Frederick Krass whose telephone number is (571) 272-

0580. The examiner can normally be reached on Monday-Friday from 9:30AM to

6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ardin Marschel can be reached at (571) 272-0718. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Frederick Krass Primary Examiner

Art Unit 1614